AO 399 (Delaware Rev. 7/00)

## WAIVER OF SERVICE OF SUMMONS

|   | E G        | <b>€</b>      | 2005  | EE 1 |
|---|------------|---------------|-------|------|
| D | DISTRICT ( | RICT<br>OF DE | COURT | - 1  |

| TO:         | Joan                                       | M. Roll          | er             |                       | DISTRICT OF DELAW  | VARE |
|-------------|--|------------------|----------------|-----------------------|--|------|
|             |  | (NAME OF PL      | AINTIFF'S ATTO | RNEY OR UNREPRE       | SENTED PLAINTIFF)  |      |
| I,          | Princip                                    | al Life          |                | nce Co.               | , acknowledge receipt of your request  |      |
|             |  | (DEFENDANT NAME) |                | Secretary of Labor v. |  |      |
| that I wai  | ive service of sum                         | mons in the a    | ction of _     | MCI Ser               | Vices, Inc. (CAPTION OF ACTION)  |      |
| which is    | case number                                | 05-2             | OCKET NUMBER   | 3)                    | in the United States District Court  |      |
| for the Di  | istrict of Delware.                        |                  |                |                       |  |      |
|             | e also received a c<br>I can return the si |                  | -              |                       | copies of this instrument, and a means   |      |
| by not rec  |  | ne entity on v   |                |                       | al copy of the complaint in this lawsuit<br>be served with judicial process in the |      |
| the jurisdi | •  |                  |                |                       | enses or objections to the lawsuit or to<br>on a defect in the summons or in the   |      |
| an answer   |  | Rule 12 is not   | served upo     | n you within 6        | e par', on whose behalf I am acting) if 60 days after May 18, 2005, United States. |      |

Printed/Typed Name: Donald

## Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.